

UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA

James K.,

File No. 18-cv-00822 (ECT/DTS)

Plaintiff,

v.

**ORDER ACCEPTING REPORT
AND RECOMMENDATION**

Andrew Saul, Commissioner of Social
Security,¹

Defendant.

The Court has received the June 13, 2019 Report and Recommendation of United States Magistrate Judge David T. Schultz. ECF No. 16. No party has objected to that Report and Recommendation, and the Court therefore reviews it for clear error. *See* Fed. R. Civ. P. 72(b) or Fed. R. Crim. P. 59(a); *Grinder v. Gammon*, 73 F.3d 793, 795 (8th Cir. 1996) (per curiam). Finding no clear error, and based upon all of the files, records, and proceedings in the above-captioned matter, **IT IS HEREBY ORDERED THAT:**

1. The Report and Recommendation [ECF No. 16] is **ACCEPTED**;
2. Plaintiff's Motion for Summary Judgment [ECF No. 11] is **DENIED**;
3. Defendant's Motion for Summary Judgment [ECF No. 14] is **GRANTED**;

and

¹ The current Commissioner of Social Security Andrew Saul is substituted for former Acting Commissioner Nancy Berryhill, because a “[public] officer’s successor is automatically substituted as a party” and “[l]ater proceedings should be in the substituted party’s name.” Fed. R. Civ. P. 25(d).

4. The action is **DISMISSED WITH PREJUDICE**.

LET JUDGMENT BE ENTERED ACCORDINGLY.

Dated: June 29, 2019

s/ Eric C. Tostrud

Eric C. Tostrud

United States District Court